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I N D E X

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VERDICT OF THE JURY

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POLLING OF THE JURY

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JURY DISCHARGED FROM FURTHER SERVICE

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* * *

The above-styled cause came on to be heard at 2:24 p.m. on May 2, 2023, before the Honorable Eli J. Richardson, District Judge, when the following proceedings were had, to-wit:

THE COURT: All right. The Court notes that this is our first time in court here today on May the 2nd. Looks like all counsel are here except for Ms. Hood-Schneider and Mr. Ganguli. But each of the defendants is represented by at least one attorney, and all counsel for the government are here.

We had distributed a note that we had received signed by the foreperson saying: "We have come to unanimous agreement on all counts, and we are ready to proceed," signed by the foreperson and dated today.

All right. Any preliminary matters, or are we ready to call in the jurors and address the verdicts?

MR. SAFEEULLAH: Nothing from the United States.

THE COURT: Thank you.

Counsel? Nothing?

All right. You can call in the jurors.

(WHEREUPON, the jury re-entered the courtroom at 2:25 p.m., with matters being heard in open court as follows:)

1 **THE COURT:** Thank you. Please be seated.

2 All right. Mr. Foreperson, we have received a
3 note from you indicating that you've received -- or that you
4 have come to a unanimous verdict on all counts; is that
5 correct?

6 **JURY FOREPERSON:** Yes, sir.

7 **THE COURT:** All right. Thank you, sir. You may
8 pass to the court officer the verdict forms.

9 (Respite.)

10 **THE COURT:** All right. Here is how we will
11 proceed. I'm going to read each of the verdict forms in
12 turn, and I'll pick a random order with respect to the order
13 of defendants. And then after reading them, I will have
14 them published to the attorneys but not before polling the
15 jurors, meaning I will ask each of them if it is their
16 verdict. And after we do that, we'll publish the verdict
17 form to the attorneys and then we'll go from there.

18 All right. The Court will begin with the verdict
19 form for Mr. Flores.

20 And the verdict forms reads as follows. We will
21 go count by count.

22 We, the jury, unanimously find the following:

23 With respect to the charge in Count 1 of the
24 indictment, RICO conspiracy, we unanimously find the
25 defendant, Jorge Flores:

1 Guilty.

2 The jurors were instructed that if they found the
3 defendant guilty on Count 1, to proceed to three questions
4 below. Here are the answers to the three questions. No. 1
5 asked for a yes-or-no answer on the following:

6 We, having found the defendant guilty of the
7 offense charged in Count 1, further unanimously find that as
8 part of that offense, the defendant, on or about May 21st,
9 2017, did intentionally and with premeditation, kill Ammerli
10 Garcia-Munoz or aided and abetted the killing in violation
11 of Tennessee Code Annotated, Sections 39-13-202, 39-11-401,
12 and 39-11-402 as alleged in special sentencing factor No. 3,
13 paragraph 27 of the indictment. Check one.

14 Yes.

15 Question No. 2. We, having found the defendant
16 guilty of the offense charged in Count 1, further
17 unanimously find that as part of that offense, the
18 defendant, on or about May 27th, 2017, did intentionally and
19 with premeditation kill Jesus Flores or aided and abetted
20 the killing in violation of Tennessee Code Annotated,
21 Sections 39-13-202, 39-11-401, and 39-11-402 as alleged in
22 Special Sentencing Factor No. 4., paragraph 28, of the
23 indictment.

24 Yes.

25 No. 3. We, having found the defendant guilty of

1 the offense charged in Count 1, further unanimously find
2 that as part of that offense, the defendant, on or about
3 September 24th, 2017, did intentionally and with
4 premeditation kill Arling Laines or aided and abetted the
5 killing in violation of Tennessee Code Annotated, Sections
6 39-13-202, 39-11-401, and 39-11-402 as alleged in Special
7 Sentencing Factor No. 7, paragraph 31, of the indictment.

8 Yes.

9 Count 2. With respect to the charge in Count 2
10 of the indictment, conspiracy to distribute and possess with
11 the intent to distribute cocaine and marijuana, we
12 unanimously find the defendant, Jorge Flores:

13 Guilty.

14 The jury was instructed to proceed to a question
15 below if it found the defendant guilty on Count 2, so I will
16 read that question.

17 We, having found the defendant guilty of the
18 offense charged in Count 2, further unanimously find that as
19 part of that offense, the defendant conspired to distribute
20 or possessed with the intent to distribute cocaine, and that
21 it was foreseeable to the defendant that the conspiracy
22 involved the distribution of or possession with the intent
23 to distribute the following:

24 Asked to select one quantity range, the jury
25 selected: 500 grams or more of cocaine.

1 Next, Count 11. With respect to the charge in
2 Count 11 of the indictment, conspiracy to commit murder in
3 aid of racketeering of Roberto Viera, we unanimously find
4 the defendant, Jorge Flores:

5 Guilty.

6 Count 12. With respect to the charge in Count 12
7 of the indictment, attempted murder in aid of racketeering
8 of Roberto Viera, we unanimously find the defendant, Jorge
9 Flores:

10 Guilty.

11 Count 13. With respect to the charge in Count 13
12 of the indictment, use, carry, brandish, and discharge a
13 firearm during and in relation to a crime of violence as
14 charged in Count 12 of the indictment, we unanimously find
15 the defendant, Jorge Flores:

16 Guilty.

17 Asked to proceed to a question below in the event
18 of finding the defendant guilty, on Count 13, the jury
19 answered that question, and I will read that.

20 We, having found the defendant guilty of the
21 offense charged in Count 13 of the indictment, further
22 unanimously find as follows:

23 We further unanimously find that a firearm was
24 used or carried during and in relation to the attempted
25 murder in aid of racketeering charged in Count 12 in the

1 following ways:

2 The jury checked: Used or carried a firearm,
3 brandished a firearm, and discharged a firearm, all three.

4 Count 14. With respect to the charge in Count 14
5 of the indictment, conspiracy to commit murder in aid of
6 racketeering of Jorge Luis Antunez-Vasquez, Hansy Sanchez,
7 or Hector Venturas, we unanimously find the defendant, Jorge
8 Flores:

9 Guilty.

10 Count 15. With respect to the charge in Count 15
11 of the indictment, attempted murder in aid of racketeering
12 of Jorge Luis Antunez-Vasquez, Hansy Sanchez, or Hector
13 Venturas, we unanimously find the defendant, Jorge Flores:

14 Guilty.

15 Count 16. With respect to the charge in Count 16
16 of the indictment, use, carry, brandish, and discharge a
17 firearm during and in relation to a crime of violence as
18 charged in Count 15 of the indictment, we unanimously find
19 the defendant, Jorge Flores:

20 Guilty.

21 Asked to proceed to a question if they did find
22 the defendant guilty on Count 16, the jury answered that
23 question. I will read it:

24 We further unanimously find that a firearm was
25 used or carried during and in relation to the attempted

1 murder in aid of racketeering charged in Count 15 in the
2 following ways:

3 The jury checked each of the following: Used or
4 carried a firearm, brandished a firearm, discharged a
5 firearm.

6 Count 19. With respect to the charge in Count 19
7 of the indictment, conspiracy to commit murder in aid of
8 racketeering of Ammerli Garcia-Munoz, we unanimously find
9 the defendant, Jorge Flores:

10 Guilty.

11 Count 20. With respect to the charge in Count 20
12 of the indictment, murder in aid of racketeering activity of
13 Ammerli Garcia-Munoz, we unanimously find the defendant,
14 Jorge Flores:

15 Guilty.

16 Count 21. With respect to the charge in Count 21
17 of the indictment, use, carry, brandish, and discharge a
18 firearm during and in relation to a crime of violence as
19 charged in Count 20 of the indictment, we unanimously find
20 the defendant, Jorge Flores:

21 Guilty.

22 Asked in the event of a guilty verdict on
23 Count 21 to answer a question, the jury answered it as
24 follows. The question:

25 We further unanimously find that a firearm was

1 used or carried during and in relation to the murder in aid
2 of racketeering charged in Count 20 in the following ways:

3 The jury checked each one of the following: Used
4 or carried a firearm, brandished a firearm, discharged a
5 firearm.

6 Count 22. With respect to the charge in Count 22
7 of the indictment, causing death through use of a firearm of
8 Ammerli Garcia-Munoz, we unanimously find the defendant,
9 Jorge Flores:

10 Guilty.

11 With respect to the charge in Count 23 of the
12 indictment, conspiracy to commit murder in aid of
13 racketeering of Jesus Flores and Luis Roserio-Loyo, we
14 unanimously find the defendant, Jorge Flores:

15 Guilty.

16 Count 24. With respect to the charge in Count 24
17 of the indictment, murder in aid of racketeering activity of
18 Jesus Flores, we unanimously find the defendant, Jorge
19 Flores:

20 Guilty.

21 Count 25. With respect to the charge in Count 25
22 of the indictment, use, carry, brandish, and discharge a
23 firearm during and in relation to a crime of violence as
24 charged in Count 24 of the indictment, we unanimously find
25 the defendant, Jorge Flores:

1 Guilty.

2 Asked in the event of a guilty verdict on that
3 count, the Court proceeded to the following question:

4 We further unanimously find that a firearm was
5 used during and in relation to the murder in aid of
6 racketeering activity charged in Count 24 in the following
7 ways:

8 And they checked each of the following: Used or
9 carried a firearm, brandished a firearm, discharged a
10 firearm.

11 Count 26. With respect to the charge in Count 26
12 of the indictment, causing death through use of a firearm of
13 Jesus Flores, we unanimously find the defendant, Jorge
14 Flores:

15 Guilty.

16 With respect to the charge in Count 27 of the
17 indictment, attempted murder in aid of racketeering of Luis
18 Roserio-Loyo, we unanimously find the defendant, Jorge
19 Flores:

20 Guilty.

21 Count 28. With respect to the charge in Count 28
22 of the indictment, use, carry, brandish, and discharge a
23 firearm during and in relation to a crime of violence, as
24 charged in Count 27 of the indictment, we unanimously find
25 the defendant, Jorge Flores:

1 Guilty.

2 Asked to answer an additional question in the
3 event of a guilty verdict on that count, the jury proceeded
4 to the following question:

5 We further unanimously find that a firearm was
6 used or carried during and in relation to the attempted
7 murder in aid of racketeering charged in Count 27 in the
8 following ways.

9 The jurors checked each of the following: Used
10 or carried a firearm, brandished a firearm, discharged a
11 firearm.

12 Count 38. With respect to the charge in Count 38
13 of the indictment, possession of a firearm by a convicted
14 felon, we unanimously find the defendant, Jorge Flores:

15 Guilty.

16 Count 47. With respect to the charge in Count 47
17 of the indictment, conspiracy to commit murder in aid of
18 racketeering of Arling Laines, we unanimously find the
19 defendant, Jorge Flores:

20 Guilty.

21 Count 48. With respect to the charge in Count 48
22 of the indictment, murder in aid of racketeering activity of
23 Arling Laines, we unanimously find the defendant, Jorge
24 Flores:

25 Guilty.

1 Count 49. With respect to the charge in Count 49
2 of the indictment, use, carry, brandish, and discharge a
3 firearm during and in relation to a crime of violence as
4 charged in Count 48 of the indictment, we unanimously find
5 the defendant, Jorge Flores:

6 Guilty.

7 Asked in the event of a guilty verdict on this
8 count to proceed to an additional question, the jurors
9 answered the following question: We further unanimously
10 find that a firearm was used during and in relation to the
11 murder in aid of racketeering activity charged in Count 48
12 in the following ways.

13 The jurors checked all three: Used or carried a
14 firearm, brandished a firearm, discharged a firearm.

15 Count 50. With respect to the charge in Count 50
16 of the indictment, causing death through use of a firearm of
17 Arling Laines, we unanimously find the defendant, Jorge
18 Flores:

19 Guilty.

20 Count 51. With respect to the charge in Count 51
21 of the indictment, obstruction of justice, we unanimously
22 find the defendant, Jorge Flores:

23 Guilty.

24 Count 52. With respect to the charge in Count 52
25 of the indictment, destruction of evidence, we unanimously

1 find the defendant, Jorge Flores:

2 Guilty.

3 Count 53. With respect to the charge in Count 53
4 of the indictment, possession with the intent to distribute
5 cocaine, we unanimously find the defendant, Jorge Flores:

6 Guilty.

7 Count 54. With respect to the charge in Count 54
8 of the indictment, possession of a firearm by a convicted
9 felon, we unanimously find the defendant, Jorge Flores:

10 Guilty.

11 Finally, Count 55. With respect to the charge in
12 Count 55 of the indictment, possession of a firearm in
13 furtherance of a drug trafficking crime, to wit, the
14 possession with the intent to distribute cocaine as charged
15 in Count 2 of the indictment or the possession with the
16 intent to distribute cocaine as charged in Count 53 of the
17 indictment, we unanimously find the defendant, Jorge Flores:

18 Guilty.

19 Signed by the foreperson, dated May the 2nd,
20 2023.

21 We'll proceed next to the verdict form for
22 Mr. Pineda-Caceres. And it reads as follows:

23 We, the jury, unanimously find the following.
24 Count 1, with respect to the charge in Count 1 of the
25 indictment, RICO conspiracy, we unanimously find the

1 defendant, Jose Pineda-Caceres:

2 Guilty.

3 In the event of conviction, the jurors were asked
4 to answer two additional questions, so the Court will read
5 those questions and the answers.

6 No. 1. We, having found the defendant guilty of
7 the offense charged in Count 1, further unanimously find
8 that as part of that offense, the defendant, on or about
9 April the 6th, 2016, did intentionally and with
10 premeditation kill Jorge Alejandro Potter Alvarado or aided
11 and abetted the killing in violation of Tennessee Code
12 Annotated, Sections 39-13-202, 39-11-401, and 39-11-402 as
13 alleged in Special Sentencing Factor No. 1, paragraph 25, of
14 the indictment.

15 The jury checked yes.

16 Second question. We, having found the defendant
17 guilty of the offense charged in Count 1, further
18 unanimously find that as part of that offense, the
19 defendant, on or about July 31st, 2016, did intentionally
20 and with premeditation kill Liliana Rodriguez or aided and
21 abetted the killing in violation of Tennessee Code
22 Annotated, Sections 39-13-202, 39-11-401, and 39-11-402 as
23 alleged in Special Sentencing Factor No. 2, paragraph 26, of
24 the indictment.

25 The jury checked yes.

1 Count 2. With respect to the charge in Count 2
2 of the indictment, conspiracy to distribute and possess with
3 the intent to distribute cocaine and marijuana, we
4 unanimously find the defendant, Jose Pineda-Caceres:

5 Guilty.

6 Asked to answer an additional question in the
7 event of a guilty verdict on this count, the Court -- or the
8 jury proceeded to the following question:

9 We, having found the defendant guilty of the
10 offense charged in Count 2, further unanimously find that as
11 part of that offense, the defendant conspired to distribute
12 or possess with the intent to distribute cocaine, and that
13 it was foreseeable to the defendant that the conspiracy
14 involved the distribution of or possession with intent to
15 distribute the following.

16 For a quantity range, the jury selected:
17 500 grams or more of cocaine.

18 Count 4. With respect to the charge in Count 4
19 of the indictment, murder in aid of racketeering activity of
20 Jorge Alejandro Potter Alvarado, we unanimously find the
21 defendant, Jose Pineda-Caceres:

22 Guilty.

23 Count 5. With respect to the charge in Count 5
24 of the indictment, causing death through use of a firearm of
25 Jorge Alejandro Potter Alvarado, we unanimously find the

1 defendant, Jose Pineda-Caceres:

2 Guilty.

3 Count 7. With respect to the charge in Count 7
4 of the indictment, conspiracy to commit murder in aid of
5 racketeering of Rodrigo Rodriguez, we unanimously find the
6 defendant, Jose Pineda-Caceres:

7 Guilty.

8 Count 8. With respect to the charge in Count 8
9 of the indictment, murder in aid of racketeering activity of
10 Liliana Rodriguez, we unanimously find the defendant, Jose
11 Pineda-Caceres:

12 Guilty.

13 Count 9. With respect to the charge in Count 9
14 of the indictment, use, carry, brandish, and discharge a
15 firearm during and in relation to a crime of violence, we
16 unanimously find the defendant, Jose Pineda-Caceres:

17 Guilty.

18 Asked in the event of a guilty verdict on that
19 count to proceed to additional question, the jury proceeded
20 to that question. It reads as follows:

21 We further unanimously find that a firearm was
22 used or carried during and in relation to the murder in aid
23 of racketeering activity charged in Count 8 in the following
24 ways.

25 The jury selected each of the following ways:

1 Used or carried a firearm, brandished a firearm, discharged
2 a firearm.

3 Finally, Count 10. With respect to the charge in
4 Count 10 of the indictment, causing death through use of a
5 firearm of Liliana Rodriguez, we unanimously find the
6 defendant, Jose Pineda-Caceres:

7 Guilty.

8 Signed by the foreperson, dated May the 2nd,
9 2023.

10 And we proceed to the final verdict form, that of
11 Mr. Tidwell. And it reads as follows.

12 We, the jury, unanimously find the following:

13 With respect to the charge in Count 1 of the
14 indictment, RICO conspiracy, we unanimously find the
15 defendant, Kevin Tidwell:

16 Guilty.

17 Asked to answer two additional questions in the
18 event of a guilty plea -- or excuse me -- a guilty verdict
19 on Count 1, the jury proceeded to these questions.

20 No. 1. We, having found the defendant guilty of
21 the offense charged in Count 1, further unanimously find
22 that as part of that offense, the defendant, on or about
23 May 21st, 2017, did intentionally and with premeditation
24 kill Ammerli Garcia-Munoz or aided and abetted the killing
25 in violation of Tennessee Code Annotated, Sections

1 39-13-202, 39-11-401, and 39-11-402 as alleged in Special
2 Sentencing Factor No. 3, paragraph 27, of the indictment.

3 The jury selected yes.

4 No. 2. We, having found the defendant guilty of
5 the offense charged in Count 1, further unanimously find
6 that as part of that offense, the defendant, on or about
7 May 27th, 2017, did intentionally and with premeditation
8 kill Jesus Flores or aided and abetted the killing in
9 violation of Tennessee Code Annotated, Sections 39-13-202,
10 39-11-401, and 39-11-402 as alleged in Special Sentencing
11 Factor No. 4, paragraph 28 of the indictment.

12 The jury selected yes.

13 Count 19. With respect to the charge in Count 19
14 of the indictment, conspiracy to commit murder in aid of
15 racketeering of Ammerli Garcia-Munoz, we unanimously find
16 the defendant, Kevin Tidwell:

17 Guilty.

18 With respect to the charge in Count 20 of the
19 indictment, murder in aid of racketeering activity of
20 Ammerli Garcia-Munoz, we unanimously find the defendant,
21 Kevin Tidwell:

22 Guilty.

23 Count 21. With respect to the charge in Count 21
24 of the indictment, use, carry, brandish, and discharge a
25 firearm during and in relation to a crime of violence as

1 charged in Count 20 of the indictment, we unanimously find
2 the defendant, Kevin Tidwell:

3 Guilty.

4 Asked to proceed to an additional question in the
5 event of a guilty verdict on this count, the jury proceeded
6 to that question which reads as follows: We further
7 unanimously find that a firearm was used or carried during
8 and in relation to the murder in aid of racketeering charged
9 in Count 20 in the following ways.

10 The jury checked each of the following ways:
11 Used or carried a firearm, brandished a firearm, and
12 discharged a firearm.

13 With respect -- and now we're talking about
14 Count 22. With respect to the charge in Count 22 of the
15 indictment, causing death through use of a firearm of
16 Ammerli Garcia-Munoz, we unanimously find the defendant,
17 Kevin Tidwell:

18 Guilty.

19 Count 23: With respect to the charge in Count 23
20 of the indictment, conspiracy to commit murder in aid of
21 racketeering of Jesus Flores and Luis Roserio-Loyo, we
22 unanimously find the defendant, Kevin Tidwell:

23 Guilty.

24 Count 24. With respect to the charge in Count 24
25 of the indictment, murder in aid of racketeering activity of

1 Jesus Flores, we unanimously find the defendant, Kevin
2 Tidwell:

3 Guilty.

4 Count 25. With respect to the charge in Count 25
5 of the indictment, use, carry, brandish, and discharge a
6 firearm during and in relation to a crime of violence as
7 charged in Count 24 of the indictment, we unanimously find
8 the defendant, Kevin Tidwell:

9 Guilty.

10 In the event of a guilty verdict on that count,
11 the jury was asked to answer the following question:

12 We further unanimously find that a firearm was
13 used or carried during and in relation to the murder in aid
14 of racketeering activity charged in Count 24 in the
15 following ways.

16 The jury selected each of the following ways:
17 Used or carried a firearm, brandished a firearm, discharged
18 a firearm.

19 Count 26. With respect to the charge in Count 26
20 of the indictment, causing death through use of a firearm of
21 Jesus Flores, we unanimously find the defendant, Kevin
22 Tidwell:

23 Guilty.

24 Count 27. With respect to the charge in Count 27
25 of the indictment, attempted murder in aid of racketeering

1 of Luis Roserio-Loyo, we unanimously find the defendant,
2 Kevin Tidwell:

3 Guilty.

4 Count 28. With respect to the charge in Count 28
5 of the indictment, use, carry, brandish, and discharge a
6 firearm during and in relation to a crime of violence as
7 charged in Count 27 of the indictment, we unanimously find
8 the defendant, Kevin Tidwell:

9 Guilty.

10 Asked in the event of a guilty verdict on that
11 count to proceed to an additional question, the jury did so.
12 The question reads as follows:

13 We further unanimously find that a firearm was
14 used or carried during and in relation to the attempted
15 murder in aid of racketeering charged in Count 27 in the
16 following ways.

17 The jury selected each of the following ways:
18 Used or carried a firearm, brandished a firearm, discharged
19 a firearm.

20 And finally, on Count 29. With respect to the
21 charge in Count 29 of the indictment, unlawful possession of
22 a firearm by a convicted felon, we unanimously find the
23 defendant, Kevin Tidwell:

24 Guilty.

25 Signed by the foreperson, dated May the 2nd,

1 2023.

2 So from the reading of the verdict forms, it is
3 clear that the verdict forms reflect that the jury has found
4 each of the three defendants, Mr. Flores,
5 Mr. Pineda-Caceres, and Mr. Tidwell, guilty on all counts.

6 Next, I'm going to ask each of the jurors one by
7 one whether these, in fact, are their verdicts. And again,
8 the question is whether, when I say these are your verdicts,
9 that is a guilty verdict against each defendant on all
10 counts. I'm going to refer to each juror by their number.
11 It will be their seat number throughout the trial, and we'll
12 proceed that way.

13 Juror No. 1, are these your verdicts?

14 **JUROR NO. 1:** Yes.

15 **THE COURT:** Juror No. 2, are these your verdicts?

16 **JUROR NO. 2:** Yes.

17 **THE COURT:** Juror No. 3, are these your verdicts?

18 **JUROR NO. 3:** Yes, sir.

19 **THE COURT:** Juror No. 4, are these your verdicts?

20 **JUROR NO. 4:** Yes.

21 **THE COURT:** Juror No. 5, are these your verdicts?

22 **JUROR NO. 5:** Yes, Your Honor.

23 **THE COURT:** Juror No. 6, are these your verdicts?

24 **JUROR NO. 6:** Yes.

25 **THE COURT:** Juror No. 7, are these your verdicts?

1 **JUROR NO. 7:** Yes, Your Honor.

2 **THE COURT:** And Juror No. 9, are these your
3 verdicts?

4 **JUROR NO. 9:** Yes, sir.

5 **THE COURT:** Juror No. 10, are these your
6 verdicts?

7 **JUROR NO. 10:** Yes.

8 **THE COURT:** Juror No. 11, are these your
9 verdicts?

10 **JUROR NO. 11:** Yes, sir.

11 **THE COURT:** Juror No. 12, are these your
12 verdicts?

13 **JUROR NO. 12:** Yes.

14 **THE COURT:** Are you sure?

15 **JUROR NO. 12:** (Nodding head affirmatively.)

16 **THE COURT:** All right.

17 Juror No. 13, are these your verdicts?

18 **JUROR NO. 13:** Yes, Your Honor.

19 **THE COURT:** All right. Thank you.

20 Next, I'm going to ask our court security officer
21 to deliver these to counsel, first at the defense table, and
22 then over to the prosecution table, to inspect the verdict
23 forms.

24 (Respite.)

25 **THE COURT:** All right. Want to ask counsel for

1 the various parties whether they are satisfied as to the
2 form of the completion of the verdict forms. This is not a
3 question about a view about the verdicts themselves.
4 Regarding the completion of the verdict form, though,
5 Mr. Gulotta, any objection?

6 **MR. GULOTTA:** No, Your Honor.

7 **THE COURT:** Thank you.

8 Regarding the completion of the verdict form, its
9 form of completion, Mr. Lucas, any objection?

10 **MR. LUCAS:** No objection.

11 **THE COURT:** Thank you. And, Mr. Bloom, regarding
12 the form of the completion of the verdict form, any
13 objection?

14 **MR. BLOOM:** No, Your Honor.

15 **THE COURT:** Thank you.

16 Mr. Safeeullah, regarding the form of the
17 completion of the verdict forms, any objection?

18 **MR. SAFEEULLAH:** No, Your Honor.

19 **THE COURT:** All right. Thank you.

20 I am going to ask counsel one by one if they're
21 aware of any reason why this jury cannot be discharged at
22 this time.

23 Mr. Gulotta, are you aware of any reason?

24 **MR. GULOTTA:** No, Your Honor.

25 **THE COURT:** Thank you. Mr. Lucas, are you aware

1 of any reason?

2 **MR. LUCAS:** No, Your Honor.

3 **THE COURT:** And, Mr. Bloom, are you aware of any
4 reason?

5 **MR. BLOOM:** No, Your Honor.

6 **THE COURT:** Thank you.

7 And Mr. Safeeullah?

8 **MR. SAFEEULLAH:** No, Your Honor.

9 **THE COURT:** All right. Thank you, counsel.

10 All right. Folks on the jury, this was obviously
11 a lengthy case and a serious case. We appreciate your
12 attention to the important matters set forth in this case
13 and your service which took place over a number of weeks.
14 It is, of course, always gratifying to the Court when we are
15 able to conclude before we said we would because we are
16 aware that jurors' time is very valuable. Your time is very
17 important, just as the matters that we are addressing in
18 this trial are valuable, and it is good that we do not
19 impose any more than we said we would, and I'm glad that we
20 were able to conclude the trial in a timely manner.

21 We are also glad for your service, taking upon
22 yourselves the obligation and the duty, when you were
23 selected for service on this trial, to listen closely to the
24 testimony, review all the evidence, and do your duty to
25 return the verdict that the jurors were unanimously agreed

1 upon. We're very appreciative of that.

2 What I would say next is this, and this is not a
3 requirement of anyone. So in a moment here, I'm going to
4 dismiss you and you'll be free to leave. For those jurors,
5 including alternates, that do wish to remain behind in the
6 jury room, it wouldn't take me very long, but I would like
7 to come back and extend further thanks.

8 And also, what's important to me as a judge and
9 this court as an institution would be to discuss with you
10 your experience as jurors. That helps us know what we can
11 do better as a court to accommodate our jurors, to be more
12 efficient, to see where they're coming from, to make sure
13 that as an organization that needs to be cognizant of
14 jurors' needs, that we are doing the best we can.

15 For those folks that are willing to stay and have
16 that discussion, I'd be grateful, and for those that don't
17 wish to do so, that's perfectly understood. No obligation
18 whatsoever.

19 So with our thanks, I'm going to dismiss you.
20 Whenever you do leave, be it before or after meeting with
21 me, whether you end up meeting with me or not, please do
22 check back in at the jury assembly room one last time before
23 heading out.

24 The jurors therefore may step down with our
25 thanks. Thank you.

1 (WHEREUPON, the jury was excused from the
2 courtroom and discharged from further service at 3:02 p.m.,
3 with the following matters being heard in open court as
4 follows:)

5 **THE COURT:** All right. Thank you. Please be
6 seated.

7 All right. Let's talk about a couple of
8 scheduling issues. Of course, I had deferred a ruling on
9 the Rule 29 motion. And, you know, to me, it's interesting,
10 if you look at the timing of briefing after the trial is
11 over on a Rule 29 motion, 29(c)(1) has sort of this 14-day
12 deadline. You can't quite tell whether that deadline
13 applies, you know, to any briefing that might be ordered in
14 a case where a Rule 29 motion was reserved by the Court. I
15 don't think it does apply.

16 I do think that in any event, the Court could,
17 you know, be flexible, depending on how the defendants want
18 to proceed, in terms of when any briefing in connection with
19 that Rule 29 motion would be submitted.

20 The way I want to proceed on this important
21 scheduling matter -- and I want to address it right now at
22 least for starters, is to see whether any defense counsel
23 right at this moment has a proposal for any such briefing.
24 And the proposals could be anything from, well, Judge, we
25 prefer not to do any briefing. We'd like to do an argument

1 in court. You should either do a brief or an argument.

2 But you could say that. You could say, we want
3 to brief it within X number of days. You could say we want
4 a transcript of the trial and brief it within X number of
5 days after that. I'm open to suggestions, but want to see
6 if anyone has any ideas right at present.

7 You'd be well within your rights to want to think
8 about that. Anyone have any particular take on it right
9 now?

10 Okay. Let me, since you are able to speak with
11 one voice for one side rather than having three different
12 obviously defense teams on the other side, Mr. Safeeullah,
13 can I ask you to have a discussion with defense counsel to
14 see if there can be an understanding reached about the
15 defendants having an opportunity to present their Rule 29
16 motions on a post-trial basis?

17 **MR. SAFEEULLAH:** Yes, Your Honor. We'll be glad
18 to do that.

19 **THE COURT:** Thank you for that. And if the
20 parties are able to present a joint proposal, I'm inclined
21 to, of course, allow the parties' joint plan to proceed.

22 If there's a disagreement for some reason, then I
23 will resolve it, but if there's a way for the parties to
24 agree about how they want to proceed, I'm inclined to
25 accommodate the parties.

1 Now, related --

2 Do you need a moment, Mr. Lucas? I mean, that's
3 fine if you do.

4 Do you need a moment, Mr. Hawkins?

5 **MR. HAWKINS:** Your Honor, my client is asking
6 about the separation order in the jail. I'll talk to him
7 about it and then I'll make an inquiry of the Court. He's
8 wondering about whether that's going to be still in effect,
9 and I don't really -- I'll talk to him about it and then
10 address it with the Court.

11 **THE COURT:** Okay. If you need to file something
12 with us on that, let us know. And, you know, I would think,
13 you know, if you think anything informally in the discretion
14 of the Marshals Service could be informative, you can always
15 go that route as well. Of course, I don't tell the Marshals
16 what to say or not to say, but that's one way to also
17 explore it.

18 All right. Now, the next thing would be a
19 sentencing date, and I realize there are a lot of factors
20 that could go into this, the preparation that may be
21 required, the timing of any resolution of a Rule 29 motion
22 and so forth. But I do want to get something on the
23 calendar, and we're going to err on the side of doing it
24 earlier, understanding that may need to be pushed back for a
25 variety of reasons.

1 We would be looking at -- and the way I see it,
2 when we -- be looking at, you know, right at the end of four
3 months, right? It would be right at four months, you know,
4 which is kind of the general time frame this Court's been
5 going at recently. And so if we set it right within that
6 four-month time frame, there are a couple of dates that we
7 could set this on. One is Wednesday, August 30th, in the
8 afternoon.

9 And the way I would do it would be -- well, let
10 me back up and say it this way. I'm going to schedule each
11 defendant's sentencing separately in any event. And, one,
12 it seems to me that, for example, there are probably three
13 or four slots that would, I think, be appropriate to offer,
14 understanding that, you know, it's always hard to say how
15 long a sentencing would take. Sentencings can take a long
16 time.

17 But when we slot some things initially, we might
18 just allow a two-hour block initially, just for scheduling
19 purposes, and then see if we need to tweak it. Obviously,
20 in serious cases, more time may be required.

21 What I'm inclined to do is offer the following
22 two-hour blocks: Wednesday, August the 30th, at 1:00 and
23 3:00; and Thursday, August 31st, at 1:00 and 3:00.

24 Any reason at least, you know, as a placeholder,
25 Mr. Gulotta, that for Mr. Tidwell, Thursday, August 31st at

1 1:00 p.m. wouldn't work?

2 **MR. GULOTTA:** That should work, Your Honor.

3 **THE COURT:** Thank you, sir. All right.

4 Mr. Lucas, what about, again, understanding this is sort of
5 a placeholder, but Thursday, August 31st at 3:00 p.m.?

6 **MR. LUCAS:** Your Honor, that should work.

7 **THE COURT:** All right. Thank you. And
8 Mr. Bloom, Mr. Hawkins, what about August 30th at 1:00 p.m.
9 for Mr. Pineda-Caceres?

10 **MR. HAWKINS:** That's fine, Your Honor.

11 **THE COURT:** All right. Thank you.

12 Mr. Safeeullah, what about those as placeholders,
13 from the government's perspective?

14 **MR. SAFEEULLAH:** They all work for the United
15 States.

16 **THE COURT:** All right. Thank you. So we'll get
17 out orders setting those sentencing dates, and, you know,
18 we'll see how it goes. Those will be on the calendar,
19 though, for now.

20 Now, I wanted to make a few comments about the
21 way that the case was litigated. These are very serious
22 charges, obviously, and they matter a great deal to all the
23 parties.

24 I wanted to commend counsel from my perspective
25 on something that I saw, which is that I didn't see either

1 side wasting each other's time or the Court's time with
2 immaterial things. I personally had the sense that counsel
3 were working to reasonably cooperate with each other where
4 that was in their mutual interests, and where neither side
5 would prejudice their client by making reasonable
6 accommodations. And when you accommodate one side, I'm
7 confident that you will find that you get accommodations
8 coming back the other way.

9 And counsel should be commended for working to
10 agree on things where they could rather than disagree or be
11 difficult for the sake of disagreeing.

12 Now, Mr. Ganguli had asked potential jurors
13 during the jury voir dire if they would hold it against him
14 if he -- and I'm paraphrasing Mr. Ganguli -- but if they
15 would hold it against him if he presented himself as, you
16 know, polite and respectful to his adversaries. Would the
17 jurors think that that would mean that he's not a zealous
18 advocate for his client, doesn't believe in his client.
19 That's how I'd paraphrase what he said.

20 And that, I think, is an appropriate question,
21 because when -- sometimes it's important for no one to get
22 the impression that if counsel isn't being difficult or a
23 jerk just to be difficult or a jerk, that they aren't being
24 a good and zealous advocate.

25 I think that we found here, from my perspective,

1 advocacy that was very, on both sides, intentional. It was
2 zealous without being difficult, rude, or disrespectful,
3 just to be that way. And I think counsel are to be
4 commended for that.

5 I found that, you know, looking at the defense
6 side, that counsel were deliberate in their choices in where
7 to focus the jury's attention rather than taking a shotgun
8 approach of making an issue out of everything just to make
9 an issue out of something. I think defense counsel are to
10 be commended for trying the case in that manner, trying to
11 focus their efforts on where they thought the defense could
12 get the most traction. And I wanted to commend defense
13 counsel for that.

14 From the government's perspective, what I would
15 say is that they were very efficient in their presentation.
16 And that's important to the court as an institution because
17 it's most -- the main thing is that in addition to being
18 respectful of everyone's time in the system, it's
19 particularly respectful to the jurors' time. When the
20 government's efficient in putting on its case in chief; that
21 is, having witnesses ready to go, getting them on and off,
22 being ready to start up when the Court is ready to start up,
23 that's respectful to the jurors, and the government should
24 be commended for that.

25 All right. Is there anything else that we need

1 to discuss at this time from your perspective,
2 Mr. Safeeullah?

3 **MR. SAFEEULLAH:** No, Your Honor.

4 **THE COURT:** Thank you. Mr. Gulotta, anything
5 from you?

6 **MR. GULOTTA:** Nothing further, Your Honor.

7 **THE COURT:** All right. And Mr. Lucas, anything
8 from you?

9 **MR. LUCAS:** No, Your Honor.

10 **THE COURT:** And Mr. Bloom and Mr. Hawkins,
11 anything from you?

12 **MR. BLOOM:** No, Your Honor.

13 **THE COURT:** All right. Thank you, counsel. We
14 stand in recess.

15 (WHEREUPON, the foregoing proceedings were
16 concluded at 3:14 p.m.)
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1 REPORTER'S CERTIFICATE

2
3 I, Deborah K. Watson, Official Court Reporter for
4 the United States District Court for the Middle District of
5 Tennessee, with offices at Nashville, do hereby certify:

6 That I reported on the Stenograph machine the
7 proceedings held in open court on May 2, 2023, in the matter
8 of UNITED STATES OF AMERICA vs. JORGE FLORES, ET AL., Case
9 No. 3:18-cr-00293; that said proceedings in connection with
10 the hearing were reduced to typewritten form by me; and that
11 the foregoing transcript (Trial Volume 18 of 18, pages 1
12 through 37) is a true and accurate record of said
13 proceedings.

14 This the 24th day of July, 2023.

15
16 /s/ Deborah K. Watson
17 DEBORAH K. WATSON, RPR, CRR
18 Official Court Reporter
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